

MANDATE

W.D.N.Y.
15-cv-6569
Wolford, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of April, two thousand twenty-one.

Present:

Debra Ann Livingston,
Chief Judge,
Susan L. Carney,
*Circuit Judge.**

Matthew Fero, et al.,

Petitioners,

v.

20-4088

Excellus Health Plan, Inc., et al.,

Respondents.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order denying, in part, Petitioners' motion for class certification, and move to seal portions of the petition and appendix. Upon due consideration, it is hereby ORDERED that the motion to seal is GRANTED, but the petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

A True Copy

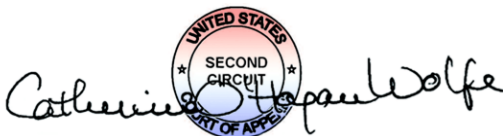
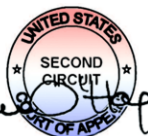
Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

* Judge Richard C. Wesley has recused himself from consideration of this motion. Pursuant to Second Circuit Internal Operating Procedure E(b), the matter is being decided by the two remaining members of the panel.

MANDATE ISSUED ON 04/07/2021